

HOUSE BILL 1549

L6

0lr3572

By: **Delegates Niemann and Carr**

Rules suspended

Introduced and read first time: March 11, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Street Lighting Equipment**

3 FOR the purpose of requiring a local government to pay a certain electric company the
4 fair market value of certain street lighting equipment as agreed on by the local
5 government and the electric company or as awarded by a jury in a
6 condemnation proceeding under certain circumstances; authorizing a local
7 government to include all street lighting equipment that the local government
8 seeks to acquire in its jurisdiction that is owned by one electric company in a
9 single petition of condemnation under certain circumstances; requiring a jury in
10 a certain condemnation proceeding to consider certain factors as part of an
11 award under certain circumstances; and generally relating to the acquisition of
12 street lighting equipment by a local government from an electric company.

13 BY repealing and reenacting, with amendments,
14 Article 24 – Political Subdivisions – Miscellaneous Provisions
15 Section 5–101
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

21 5–101.

22 (a) In this section, “electric company” has the meaning stated in § 1–101 of
23 the Public Utility Companies Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) On written request by a local government, an electric company shall sell
2 to the local government some or all of the electric company's existing street lighting
3 equipment that is located within the local jurisdiction.

4 (c) (1) If the local government purchases street lighting equipment from
5 an electric company, the local government shall pay to the electric company the fair
6 market value of the street lighting equipment **AS AGREED ON BY THE LOCAL**
7 **GOVERNMENT AND THE ELECTRIC COMPANY OR AS AWARDED BY A JURY IN A**
8 **CONDEMNATION PROCEEDING.**

9 (2) **A LOCAL GOVERNMENT MAY INCLUDE IN A SINGLE PETITION**
10 **FOR CONDEMNATION ALL STREET LIGHTING EQUIPMENT THAT THE LOCAL**
11 **GOVERNMENT SEEKS TO ACQUIRE WITHIN ITS JURISDICTION THAT IS OWNED BY**
12 **ONE ELECTRIC COMPANY.**

13 (3) **IN A CONDEMNATION PROCEEDING BROUGHT IN**
14 **ACCORDANCE WITH THIS SUBSECTION, THE JURY SHALL CONSIDER AS A PART**
15 **OF AN AWARD:**

16 (i) **THE AGE, CONDITION, AND OPERABILITY OF THE**
17 **STREET LIGHTING EQUIPMENT;**

18 (ii) **ANY PAYMENT BY THE LOCAL GOVERNMENT FOR THE**
19 **CONSTRUCTION OR MAINTENANCE OF THE STREET LIGHTING EQUIPMENT; AND**

20 (iii) **ANY FEES ASSOCIATED WITH THE USE OF SPACE ON A**
21 **POLE, LAMPPOST, OR OTHER MOUNTING SURFACE USED FOR STREET LIGHTING**
22 **EQUIPMENT LOST TO THE ELECTRIC COMPANY DUE TO THE CONDEMNATION OF**
23 **THE STREET LIGHTING EQUIPMENT.**

24 (d) A local government that purchases the street lighting equipment in
25 accordance with subsection (b) of this section shall be responsible for the maintenance
26 of the street lighting equipment and may contract with an outside entity for the
27 maintenance of the street lighting equipment.

28 (e) (1) Any person who controls the right to use space on any pole,
29 lamppost, or other mounting surface previously used in the local jurisdiction by the
30 electric company for street lighting equipment shall allow a local government that has
31 purchased the street lighting equipment to assume the rights and obligations of the
32 electric company with respect to the space for the unexpired term of any lease or other
33 agreement under which the electric company used the space.

34 (2) Notwithstanding paragraph (1) of this subsection, the local
35 government may not restrict or prohibit universal access for electricity or any other
36 service by assuming the rights and obligations of an electric company as to space on
37 any pole, lamppost, or other mounting surface used for street lighting equipment.

1 (3) Any dispute between an electric company and a local government
2 arising under this subsection shall be submitted to the Public Service Commission for
3 resolution.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2010.